

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT ARKANSAS

MAR 21 2003

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF ARKANSAS
LITTLE ROCK DIVISION

JAMES W. MCCORMACK, CLERK
By [Signature] DEPUTY CLERK
PLAINTIFFS

JOE RUSTENHAVEN and MARY RUSTENHAVEN

VS.

CASE NO. 4:99-CV-665 GTE

AMERICAN AIRLINES, INC.

DEFENDANT

**JUDGMENT ON AMENDED SUPERSEDEAS BOND AND ORDER FOR
DISBURSEMENT OF FUNDS**

The Court hereby orders that the District Court Clerk enter this Judgment on Amended Supersedeas Bond and for Enforcement of Amended Supersedeas Bond.

While this matter was on appeal to the United States Court of Appeals for the Eighth Circuit, on December 17, 2002, the Court approved the Amended Supersedeas Bond provided the Court by Defendant American Airlines, Inc., as principal, and Federal Insurance Company, as Surety, in the amount of \$6,228,019.20.

On March 14, 2003, the Court entered an Amended Judgment against the Defendant and in favor of the Plaintiffs Mr. and Mrs. Rustenhaven in the total amount of \$3,732,237.83, plus post-judgment interest from the date of the original judgment, May 4, 2001, at the rate of 3.82% per annum, compounded annually, in accordance with 28 U.S.C. § 1961.

On March 17, 2003, the Plaintiffs filed their Motion for Judgment on Amended Supersedeas Bond and for Enforcement of Amended Supersedeas Bond. On March 21, 2003, the Court conducted a telephonic conference on the Plaintiffs' motion. The Plaintiffs and the Defendant were represented by counsel during the conference, and a representative for the surety also participated and otherwise received notice of the proceeding. *See* Fed. R. Civ. P. 65.1. During the conference, the Defendant

stated that it took no position on the Plaintiffs' motion.

To date, neither the Defendant nor Federal Insurance Company, as surety, has satisfied the March 14, 2003, amended judgment. For good cause shown, and for the reasons discussed during the March 21, 2003, telephonic conference, the Court herein concludes that the Plaintiffs' instant Motion for Judgment on Amended Supersedeas Bond and for Enforcement of Amended Supersedeas Bond should be granted.

IT IS THEREFORE ORDERED that the Plaintiffs' Motion for Judgment on Amended Supersedeas Bond and for Enforcement of Amended Supersedeas Bond (Doc. # 120) be, and it is hereby, GRANTED. Judgment is hereby entered on the Amended Supersedeas Bond against American Airlines, Inc. and Federal Insurance Company, jointly and severally, in the total amount of \$3,732,237.83, plus post-judgment interest from the date of the original judgment, May 4, 2001, at the rate of 3.82% per annum, compounded annually, in accordance with 28 U.S.C. § 1961. (As of March 21, 2003, the total amount due and owing is \$4,004,984.44, and the per diem interest for each day thereafter is \$405.53. through May 3, 2003, after which interest is again annually compounded.) All writs and processes for the enforcement and collection of this judgment or costs of court may issue immediately, and the Court hereby ORDERS disbursement to Plaintiffs by Federal Insurance Company, as surety, of funds sufficient to satisfy the judgment in full.

IT IS SO ORDERED this 21st day of March, 2003.

Sarnett Thomas Evers
UNITED STATES DISTRICT JUDGE

THIS DOCUMENT ENTERED ON
DOCKET SHEET IN COMPLIANCE
WITH RULE 58 AND/OR 79(a) FRCP
ON 3-24-03 BY [Signature]

jh

UNITED STATES DISTRICT COURT
Eastern District of Arkansas
U.S. Court House
600 West Capitol, Suite 402
Little Rock, Arkansas 72201-3325

March 24, 2003

* * MAILING CERTIFICATE OF CLERK * *

Re: 4:99-cv-00665.

True and correct copies of the attached were mailed by the clerk to the following:

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press, post, GTE, finance

James W. McCormack, Clerk

Date: 3/24/03

BY: 